
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

versus

JOSEPH EBRON

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CASE NO. 1:08-CR-36

MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of defense counsel's Motion to Withdraw from Representation as to Count One of the Indictment and for Immediate Appointment of Appellate Counsel (#171, #173). Judge Giblin issued his report and recommendation and recommended that the Court grant the motion in part and deny it in part. The magistrate judge recommended that the Court deny the motion to withdraw as to Jimmy Phillips and grant the motion to withdraw as to Katherine Scardino. He also recommended that the Court appoint Mr. Henry J. Bemporad, the Federal Public Defender for the Western District of Texas, as co-counsel for the defendant on appeal.

The parties have not objected to the magistrate judge's findings and recommendation. The Court accepts the findings in the report and recommendation. The Court **ORDERS** that Judge Giblin's report (#200) is adopted.

The Court further **ORDERS** that Motion to Withdraw from Representation as to Count One of the Indictment (#171) is **GRANTED** in part, and **DENIED** in part. The Court **ORDERS** that Ms. Scardino's motion to withdraw is granted and Mr. Phillips' motion to withdraw is denied. Ms. Scardino is terminated as counsel of record for the defendant.

The Court finally **ORDERS** that the Motion for Immediate Appointment of Appellate Counsel (#173) is **GRANTED**. Mr. Henry J. Bemporad, the Federal Public Defender for the Western District of Texas, is appointed as co-counsel for the defendant on appeal.

SIGNED at Beaumont, Texas, this 21st day of July, 2009.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE